

THE HONORABLE MARSHA J. PECHMAN

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SCOTTSDALE INSURANCE COMPANY et al.

Plaintiff,

vs.

FORD MOTOR COMPANY et al.

Defendants.

USDC Case No. 2:10-cv-00373-MJP

**JOINT PROPOSED PRETRIAL
ORDER¹**

Trial Date: July 6, 2011

FEDERAL JURISDICTION

The Court has original jurisdiction under 28 U.S.C. §1332. The case was originally filed in King County Superior Court. Ford Motor Company (“Ford”) removed the case in a timely manner to this Court under 28 U.S.C. §1441. The case is a civil action between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

CLAIMS AND DEFENSES

Pacific Sheet Metal’s (“PSM”) industrial warehouse in Seattle, Washington suffered a fire loss on January 7, 2009. Plaintiff Scottsdale Insurance Company “Scottsdale,” the property insurer for PSM, paid approximately \$4.7 million to PSM for the loss. Scottsdale contends the fire was

¹ The parties have cooperated in reducing each side’s exhibits as much as possible. However, they anticipate further reduction in the number of exhibits and, if that occurs, a Supplemental Joint Pretrial Order will be submitted to the court.

1 caused by a defect in a 2004 Ford F-550 truck that had been parked in the building overnight.
 2 Scottsdale also contends that the truck did not have adequate warnings or instructions.

3 Under its policy, Scottsdale paid PSM for building damages, business personal property,
 4 business interruption and debris removal. Scottsdale now seeks recovery of these amounts from
 5 Defendant Ford Motor Company ("Ford"). Scottsdale contends it is entitled to recover the
 6 replacement cost, not just actual cash value, of the building and business personal property, due to
 7 the circumstances in this case.

8 Defendant Ford denies the F-550 was defective and denies that any alleged defect in the
 9 vehicle was the proximate cause of damage to the plaintiff. Ford also contends that the vehicle was
 10 modified after it left Ford's control and that the vehicle complies with relevant industry custom,
 11 technological feasibility, and nongovernmental, legislative or administrative regulatory standards.

12 Ford further contends Scottsdale's recovery is limited to the fair market value of the building
 13 and business personal property as of the time of the fire, plus the amounts actually paid by Scottsdale
 14 for business interruption and debris removal.

15 **ADMITTED FACTS**

16 The following facts are admitted by the parties:

17 3.1 Late in the evening of January 7, 2009, a warehouse owned by PSM burned to the
 18 ground. No one was inside the warehouse at the time the fire started, and no equipment was
 19 operating at that time.

20 3.2 The Seattle Fire Department responded to the fire, but the entire main warehouse was
 21 consumed during the fighting of the fire. The Fire Department noted that the fire had apparently
 22 started in the southwest corner of the building. The winds spread the fire rapidly and thwarted
 23 efforts to bring it under control.

24 3.3 PSM owned a 2004 Ford F-550 truck used for business purposes. The truck and
 25 certain of its components had been designed, installed, and manufactured by Ford. PSM purchased
 26 the 2004 Ford F-550 in 2007 as a used vehicle. Prior to the fire, the truck had been parked inside the
 27 warehouse in the southwest corner.

1 3.4 The 2004 Ford F-550 had been modified after it left the factory. Third parties
2 installed a new engine and a lift-bed operated by at least one electric motor after the truck was sold.

3 3.5 There is no evidence that arson was involved in the fire.

4 3.6 Scottsdale insured PSM for a portion of the loss.

5 **SCOTTSDALE'S FACTUAL CONTENTIONS**

6 4.1 The fire started in the southwest corner of the PSM warehouse, specifically in the
7 driver's side engine compartment of the 2004 Ford F-550 truck that was parked in this location.

8 4.2 The fire spread from the truck to the entire warehouse.

9 4.3 The fire started in or around the Powertrain Control Module of the Ford F-550 truck.

10 4.4 The fire was caused by a defect in the Ford F-550 truck, most likely a manufacturing
11 defect involving the Powertrain Control Module, which was present in the truck at the time it left the
12 factory. The PCM, and its connection, had not been modified since leaving the factory.

13 4.5 Ford is subject to strict liability to PSM, and by extension, Scottsdale, because PSM's
14 harm was proximately caused by the fact that the product was not reasonably safe in construction
15 and design and lacked adequate warnings or instructions.

16 4.6 When the Ford truck left the control of the manufacturer, the product deviated in a
17 material way from the design specifications or performance standards of the manufacturer, or
18 deviated in some material way from otherwise identical units of the same product line.

19 4.7 When the Ford truck left the control of the manufacturer, it was not reasonably safe as
20 designed and/or constructed and/or breached the truck's warranties.

21 4.8 Ford failed to adequately instruct or warn PSM that the truck could cause a fire when
22 used in its normal and intended way.

23 4.9 The reasonable expectations of the user are that a Ford truck will not cause a fire
24 when the ignition is turned off, and therefore, the Ford F-550 truck failed to meet the reasonable
25 expectations of the user, demonstrating a defect in the truck.

26 4.10 There is no evidence of misuse or abuse of the truck.

27 4.11 PSM made almost \$4 million in gross sales during its period of restoration.

1 4.12 PSM was able to accomplish this because it was able to replace its building and its
2 equipment.

3 4.13 Had PSM only been reimbursed the actual cash value of its real property and business
4 personal property, its business losses would have been much greater.

5 4.14 The rebuild of PSM's warehouse would cost approximately \$2 million.

6 4.15 PSM also faced extended delays in its ability to rebuild at the original location due to
7 city planned construction. Such repairs could not be accomplished until 2013.

8 4.16 PSM's livelihood depended on the building and the business it housed. PSM needed
9 to replace this property in order to continue doing business.

10 4.17 The business personal property that is at issue included pieces of heavy equipment as
11 well as tools and dyes used by PSM in its business. Some of this equipment was undated, and the
12 age and actual cash value for much of this equipment could not be determined.

13 4.18 PSM has alleged damages which were not compensated for by Scottsdale.

14 4.19 Scottsdale insured PSM for a portion of the loss. John Colvard adjusted the claim on
15 behalf of Scottsdale. Scottsdale paid PSM approximately \$4.7 million in benefits under its policy.

16 4.20 Scottsdale paid approximately \$1.7 million with respect to the building destroyed in
17 the fire. This was the amount of the policy's limits. This figure included the purchase of a new
18 warehouse building at another location to allow PSM to continue its business operations.

19 4.21 Scottsdale also paid approximately \$2.25 million for replacement of business
20 personal property destroyed in the fire. This amount constituted the limits of the Scottsdale policy.

21 4.22 Scottsdale's policy contained a \$750,000 limit for business personal property, all of
22 which was paid. It also paid \$10,000 for debris removal.

23 4.23 The property that was damaged by the fire and/or smoke and water consisted of two
24 warehouses. The warehouse where the fire occurred was 22,995 square feet and on a 25,925 square
25 foot lot. The warehouse damaged by water or smoke was 8,370 square feet and was on a 24,150
26 square foot lot.

1 4.24 The warehouse where the fire occurred was valued at \$1,495,000 and the other
2 warehouse was valued at \$969,000 (both valued using the Cost Approach as of the day of the fire).

3 **FORD'S FACTUAL CONTENTIONS**

4 5.1 PSM purchased the Ford F-550 as a used vehicle.

5 5.2 PSM was not in privity with Ford with regard to the purchase of the 2004 F-550.

6 5.3 The 2004 F-550 truck complied with all applicable federal safety standards at the
7 time of its manufacture.

8 5.4 The 2004 F-550 is neither defective nor unreasonably dangerous and does not present
9 an unreasonable risk of injury or damage.

10 5.5 The design of the 2004 F-550 was not a proximate cause of plaintiff's damages.

11 5.6 At the time the 2004 F-550 left Ford's control it was reasonably safe in construction
12 and did not deviate in a material way from Ford's design specifications or performance standards, or
13 from otherwise identical units of the same product line.

14 5.7 Ford provided appropriate and adequate warnings concerning the use and operation of
15 the vehicle.

16 5.8 The Ford F-550 was equipped with a Powertrain Control Module that was designed
17 and manufactured by Visteon Corporation.

18 5.9 The Powertrain Control Module was reasonably safe in design.

19 5.10 The Powertrain Control Module was reasonably safe in construction at the time it left
20 the factory in that it did not deviate in a material way from Ford's or Visteon's design specifications
21 or performance standards, or from otherwise identical units of the same product line.

22 5.11 PSM's business personal property destroyed in the fire had no salvage value.

23 5.12 All of PSM's business personal property destroyed in the fire had market value and/or
24 actual cash value at the time of the fire.

25 5.12 The market value/actual cash value of PSM's business personal property destroyed in
26 the fire was at most \$974,000.

27 5.13 The building involved in the fire measured approximately 15,576 square feet.

1 5.14 The building involved in the fire was contaminated with asbestos and lead.

2 5.15 PSM still owns the real estate on which the fire occurred, which at the time of the fire
3 was valued at \$985,000.

4 5.16 The value of the PSM building involved in the fire was at most \$343,000 under a cost
5 analysis and at most \$28,000 under a sales comparison analysis.

6 **ISSUES OF LAW**

7 The dispute between the parties centers on the following issues of law:

8 6.1 Was the Ford truck defective as a result of it not being reasonably safe in construction
9 or design, because it breached Ford's express warranties, or because it did not contain adequate
10 warnings or instructions?

11 6.2 If the Ford truck was defective, was that condition a proximate cause of Scottsdale's
12 damages?

13 6.3 Is a product manufacturer liable "as a manufacturer" for a manufacturing defect in a
14 component part that was manufactured by a third-party?

15 6.4 What is the measure of damage recoverable by the Scottsdale?

16 6.5 Whether costs incurred by Scottsdale to mitigate damages incurred by PSM can be
17 recovered by Scottsdale?

18 6.6 Is Scottsdale entitled to prejudgment interest on its claim?

19 6.7 The parties have asserted various evidentiary objections to categories of evidence
20 and/or witnesses which are set forth in motions in limine on file with the Court.

21 **EXPERT WITNESSES**

22 a) The names of the expert witnesses to be used by each party at the trial and issue
23 upon which each will testify are:
24
25
26
27

1) On behalf of the plaintiff:

Liability:

Ron Ready - Mr. Ready is an officer with the Seattle Fire Department who was present at the fire scene and investigated the fire. Mr. Ready will testify about the investigation he conducted on behalf of the Seattle fire department, the efforts to extinguish the fire, and that the fire originated in the subject Ford F-550 pickup. He will testify consistent with his deposition.

Noel Putaansuu – Mr. Putaansuu is a cause and origin investigator with MDE, Inc. He will testify as to the cause and origin of the fire, and the nature of the damages he personally observed. He will testify consistent with his deposition.

Douglas Barovsky, P.E. - Mr. Barovsky is an electrical engineer with MDE, Inc. He will testify regarding the electrical system at PSM's buildings, electrical issues surrounding the fire, and elimination of various potential causes of the fire, including electrical. He will testify consistent with his deposition.

Cam Cope - Cam Cope is an investigator with Automotive Fire & Safety Consultants, Inc. in Conroe, Texas. Mr. Cope will testify that the fire began in the area of the driver's side engine compartment, at or near the Powertrain Control Module of the Ford F-550 truck. He will testify regarding the manufacturing defect that caused the fire. He will testify consistent with his deposition.

Ralph Newell – Mr. Newell is an expert designated by Ford. Mr. Newell will testify regarding the cause and origin of the fire and lay a foundation for his report, which agrees that the fire started in the engine compartment of the Ford truck due to an electrical cause. He will testify consistent with his deposition.

Damages:

Tim Tribe – Mr. Tribe of EPPS-CPA Consulting, Scottsdale, Arizona, has been retained by Scottsdale to testify regarding Scottsdale's damages, as well as reasonable replacement cost, reasonable value of items lost, and business income loss and mitigation. He will testify consistent with his deposition.

Mark Uchimara, P.E. – Mr. Uchimuara was hired by Scottsdale after the fire to determine the feasibility and cost of rebuilding the destroyed premises. He will testify regarding these matters.

James Price - Mr. Price was hired by Scottsdale to perform an appraisal on the property, after the fire. Mr. Price will offer testimony regarding the value of the real property destroyed.

Rob Powers – Mr. Powers was retained by Scottsdale to evaluate the insured's equipment and other items of business personal property that were damaged or destroyed in the fire. Mr. Powers will testify regarding the evaluation of property and the ability to ascertain market prices on such items, as well as the reasonable cost to replace such items.

Betty Wines – Ms. Wines is the Scottsdale Claims Representative who handled this loss. She will testify regarding Scottsdale's right of subrogation, damages claimed, adjustment of the claim, and amounts paid by Scottsdale under various coverages available under the policy. She will testify consistent with her deposition.

John Colvard - Mr. Colvard performed the adjustment of the loss. He will testify regarding the nature and extent of the damage and payments by Scottsdale. He will testify consistent with his deposition.

2) On behalf of the defendant:

Liability:

Mark Hoffman
Design Analysis Engineer
Ford Motor Company
c/o Mills Meyers Swartling
1000 Second Avenue 30th Floor
Seattle, WA 98070
206 382-1000

Mark Hoffman is a design analysis engineer who was presented as Ford Motor Company's corporate representative in response to plaintiff's FRCP 30(b)(6) deposition notice. Mr. Hoffman may attend trial as a corporate representative of Ford Motor Company. He also may be called to testify regarding the subject matters listed in plaintiff's FRCP 30(b)(6) deposition notice and the subjects discussed at his deposition.

1 Jeff D. Colwell, Ph.D., P.E.
2 Exponent
23445 No. 19th Ave.
3 Phoenix, AZ 85027
(623) 582-6949

4 Mr. Colwell is a Principal Engineer in Exponent's Thermal Sciences practice and and
5 Registered Professional Mechanical Engineer. He has reviewed the documentation prepared by
6 Seattle Fire Department's Fire Investigation Unit pertaining to the fire at issue in this lawsuit and the
7 photographs taken by Mr. Newell. He has also inspected the subject vehicle. He will be called to
8 testify regarding his findings and opinion regarding the cause, origin, and propagation of the fire
9 incident at issue in this lawsuit, as well as any other pertinent opinions. He may also rebut the
10 testimony of Plaintiff's expert witnesses, if necessary.
11

12 Thomas Brefeld
13 Engineer
14 Visteon Corporation
c/o Butzel Long, PC
15 150 West Jefferson, Suite 100
16 Detroit Michigan 48226
(313) 225-7000

17
18 Mr. Brefeld is an engineer at Visteon Corporation who testified as Visteon's corporate
19 representative in response to plaintiff's FRCP 30(b)(6) deposition notice. Ford may call Mr. Brefeld
20 to testify regarding the topics addressed in his FRCP 30(b)(6) deposition.

21 Mike Schoenecker
22 Paul Jostens
MDE, Inc.
23 700 S. Industrial Way
Seattle, WA 98108
24 (206) 622-2007

25 Mr. Schoenecker and Mr. Jostens investigated the cause of the fire and/or examined the
26 subject vehicle, and may testify regarding their diagrams of the vehicle.
27

1 Ralph Newell
2 Newell Investigative Services, Inc.
3 470-C Woods Mill Road
4 Gainesville, GA 30501
5 (770) 297-7138

6 Mr. Newell is a Certified Fire Investigator. He has examined the subject vehicle at issue in
7 this lawsuit as well as debris and contents removed by other investigators. He will be called to testify
8 regarding the findings of his examination and review of information pertaining to the fire incident
9 at issue in this lawsuit

10 **OTHER WITNESSES**

11 **On Behalf of the Plaintiff:**

12 **Steven Bammert** - Mr. Bammert is an officer with the Seattle Fire Department who was
13 present at the fire scene and investigated the fire. Mr. Bammert may testify about the investigation
14 conducted by the fire department; the efforts to extinguish the fire, and the cause and origin of the
15 fire. He will testify consistent with his deposition.

16 **Tony Little** – Mr. Little is an investigator for the Seattle Fire Department. He helped
17 investigate the cause of the fire and took numerous photographs. He will testify regarding his early
18 observations regarding the fire and photographs he took at the fire scene.

19 **Roberto Desimone** – Mr. Desimone is the Service Representative of Horizon Ford and will
20 testify regarding the maintenance history of the subject truck. He will testify consistent with his
21 deposition.

22 **Nick Zaknich** - Mr. Zaknich's family has owned PSM since 1957. Mr. Zacknich will testify
23 about the maintenance and purchase of the Ford F550 truck, as well as its history and status. He will
24 also testify as to the value of his business, including real and personal property owned by the
25 business, as well as the damage done by the fire, including loss of business, value of business
26 personal property destroyed and real property and efforts by PSM to mitigate and limit damages and
27 expenses. He will testify consistent with his deposition.

1 Mike Chapin - Mr. Chapin is the superintendent of the PSM roofing division. Mr. Chapin
2 will testify about the maintenance and purchase of the Ford F550 truck. He will testify consistent
3 with his deposition.

4 John Huber - John Huber is an estimator for PSM. He may testify as to the purchase,
5 maintenance and use of the Ford F-550 truck. He will testify consistent with his deposition.

6 George Dickinson – Mr. Dickinson purchased the truck and then sold it to PSM. He will
7 testify regarding his companies' purchase, modification, and sale of the subject vehicle. He will
8 testify consistent with his deposition.

9 Patrick E. Riecke - 20509 92nd Ave E, Graham, WA 98338, Ph 253-307-5742. He may
10 testify regarding the installation of the lift bed in the subject truck.

11 Drew Lucurell – Mr. Lucurell is a public adjuster who was hired by PSM to help adjust its
12 claim with Scottsdale. He may testify regarding his adjustment of PSM's claim.

13 On Behalf of the Defendant:

- 14 1. Nick Zaknich
15 Mike Chapin
16 1128 SW Spokane Street
17 Seattle, WA 98134
 (206) 682-5354

18 Mr. Zaknich and Mr. Chapin are employees of PSM and may be called to testify regarding
19 their knowledge about the damages alleged in Plaintiff's Complaint, the subject product, and other
20 relevant matters.

- 21 2. Roberto Desimone
22 Horizon Ford
23 11000 Tukwila International Boulevard
 Tukwila, WA 98168-1942
 (206) 763-9100

24 Roberto Desimone performed maintenance and/or repair work on the subject vehicle and
25 may be called to testify regarding his knowledge of the subject product and other relevant matters.

- 1 3. George Dickson
2 Work Truck Sales
3 1085 Valentine Ave. S.E.
4 Pacific, WA. 98047
5 (253) 863-9675

6 Mr. Dickson performed maintenance and/or repair work on the subject vehicle and may be
7 called to testify regarding his knowledge of the subject product and other relevant matters.

- 8 4. Representatives of Duke's Truck Repair
9 2401 Airport Way South
10 Seattle, WA 98134-2056
11 (206) 623-1394

12 Representatives of Duke's Truck Repair who performed maintenance and/or repair work on
13 the subject vehicle may be called to testify regarding their knowledge about the subject product,
14 and other relevant matters.

- 15 5. Patrick E. Riecke
16 20509 92nd Ave. E.
17 Graham, WA 98338
18 (253) 307-5742

19 Mr. Riecke may be called to testify regarding the installation of the lift bed in the subject
20 truck.

- 21 6. Steve Bammert
22 Tony Little
23 Ron Ready
24 Seattle Fire Department
25 220 Third Avenue So.
26 Seattle, WA 98108

27 Mr. Bammert, Mr. Little, and Mr. Ready investigated the fire and may be called to testify
28 regarding the fire, the damages alleged in the Plaintiff's Complaint, and other relevant matters.

- 1 7. Rob Powers
2 R.D. Powers Salvage Company
3 834 Northeast 14th Street
4 Medina, WA 98039-3107
5 (425) 635-0095

1 Mr. Powers was retained by Scottsdale to evaluate the insured's equipment and other items
 2 of business personal property that were destroyed in the fire. Mr. Powers may testify regarding the
 3 evaluation of the actual cash value of property claimed to have been damaged or destroyed in the
 4 fire, as well as the topics addressed at his deposition.

5 8. John Colvard
 6 Washington-Oregon Claims Service
 7 12721 30th Avenue N.E. Suite Suite 202
 8 Seattle, WA 98125

9 Mr. Colvard coordinated the adjustment of the loss on behalf of Scottsdale. He will testify
 10 regarding his activities in adjusting the claim, the basis for Scottsdale's payment of the loss, and the
 11 topics addressed at his deposition.

12 9. Betty Wines
 13 Claims Specialist
 14 Scottsdale Insurance Company
 15 877 Gainey Drive
 16 Scottsdale, AZ

17 Betty Wines testified as Scottsdale's corporate representative in response to Ford Motor
 18 Company's FRCP 30(b)(6) notice. Ms. Wines may be called to testify as to as the topics listed in
 19 Ford's FRCP 30(b)(6) notice to Scottsdale, as well as any other subjects addressed at her deposition.

20 10. James B. Price, MAI, SR/WA
 21 Appraisal Group of the Northwest LLP
 22 1980 112th Avenue NE, Suite 270
 23 Bellevue, WA 98004
 24 (425) 453-9292

25 Mr. Price is a property appraiser and conducted a valuation of the building destroyed in the
 26 fire on behalf of Scottsdale. He may be called to testify about the value of PSM's building and
 27 underlying land and the topics addressed at his deposition.

28 I. EXHIBITS

(a) Admissibility stipulated:

Plaintiff's Exhibits

3	Photocopy of color photograph, marked as Exhibit 4 to the deposition of Douglas Barovksy
4	Photocopy of color photograph, marked as Exhibit 5 to the deposition of Douglas Barovksy
5	Photocopy of color photograph, marked as Exhibit 6 to the deposition of Douglas Barovksy
6	Handwritten notes by Douglas Barovksy regarding 10/12/10 site visit, marked as Exhibit 7 to the deposition of Douglas Barovksy
7	Photocopy of color photograph, marked as Exhibit 4 to the deposition of Douglas Barovksy
10	Report by John Colvard to Betty Wines dated 1/28/09 and bates stamped SCO 002711-002714, marked as Exhibit 3 to the deposition of John Colvard
11	Report by John Colvard to Betty Wines dated 3/6/09 and bates stamped SCO 002791-002793, marked as Exhibit 4 to the deposition of John Colvard
13	Report by John Colvard to Betty Wines dated 5/12/09 and bates stamped SCO 002732-002733, marked as Exhibit 6 to the deposition of John Colvard
15	Report by John Colvard to Betty Wines dated 9/4/09 and bates stamped SCO 002095-002096, marked as Exhibit 8 to the deposition of John Colvard
16	Report by John Colvard to Betty Wines dated 9/20/09 and bates stamped SCO 002145-002146, marked as Exhibit 9 to the deposition of John Colvard
17	Report by John Colvard to Betty Wines dated 10/12/09 and bates stamped SCO 003514-003515, marked as Exhibit 10 to the deposition of John Colvard
18	Expense Payment Request from John Colvard to Betty Wines dated 11/11/09, bates stamped SCO 003199, marked as Exhibit 11 to the deposition of John Colvard
21	Emails exchanged between John Colvard and Betty Wines dated 10/13/10 and bates stamped SCO 003922, marked as Exhibit 14 to the deposition of John Colvard
22	Emails exchanged between John Colvard and Betty Wines between 8/5/09 and 8/9/09 and bates stamped SCO 002088-002089, marked as Exhibit 15 to the deposition of John Colvard
25	Colored photographs, 1008028 A0T0 – 06252PH_ 0200 and 1008028 A0T0 – 06252PH_ 0201, marked as Exhibit 3 to the deposition of Jeff Colwell, Ph.D

27	2004 Wiring Diagrams, Excursion, F-Super Duty 250, 350, 450, 550, marked as Exhibit 5 to the deposition of Jeff Colwell, Ph.D.
28	Colored photograph, marked as Exhibit 6 to the deposition of Jeff Colwell, Ph.D.
29	Colored photographs, DSC08283 and DSC08284, marked as Exhibit 7 to the deposition of Jeff Colwell, Ph.D.
34	Colored photographs identified as 1008028 A0T0-06252PH_0019 and 1008028 A0T0-06252PH_0020, marked as Exhibit 12 to the deposition of Jeff Colwell, Ph.D.
35	Colored photographs identified as DSC-0115 and DSC-0116, marked as Exhibit 14 to the deposition of Jeff Colwell, Ph.D.
39	Auto Fire & Safety Consultants' Photographs, marked as Exhibit 3 to the deposition of Cam Cope
41	Laser color photograph, marked as Exhibit 10 to the deposition of Cam Cope
42	Laser color photograph, marked as Exhibit 11 to the deposition of Cam Cope
48	Field Service Actions (Recalls) produced by Ford, marked as Exhibit 7 to the deposition of Mark Hoffman
56	Adjusters International Personal Property Worksheet, marked as Exhibit 18 to the deposition of Robert Powers
57	Adjusters International Partial Claim Summary, marked as Exhibit 19 to the deposition of Robert Powers
60	King County Assessor's Report bates stamped SCO 002457-002460, marked as Exhibit 23 to the deposition of James Price
61	Exhibit 1 of George Dickson's deposition
64	Photograph, marked as Exhibit 2 to the deposition of Noel Putaansuu
65	Photograph, marked as Exhibit 3 to the deposition of Noel Putaansuu
66	Photograph, marked as Exhibit 5 to the deposition of Noel Putaansuu
67	Drawing entitled, "TRUCK DWG PAC SHEET METAL" dated 3/20/09, marked as Exhibit 6 to the deposition of Noel Putaansuu
69	168 color photographs of the Ford F550, marked as Exhibit 3 to the deposition of Ralph Newell

70	Newell Investigative Services invoice to Ford Motor Company dated 8/3/10, marked as Exhibit 6 to the deposition of Ralph Newell
71	Field notes of Ralph Newell, marked as Exhibit 8 to the deposition of Ralph Newell
72	Diagram by Ralph Newell, marked as Exhibit 9 to the deposition of Ralph Newell
75	One page copy of photograph of overhead view of warehouse site, marked as Exhibit 2 to the deposition of Ron Ready
77	One page copy of photograph of fire, marked as Exhibit 6 to the deposition of Ron Ready
78	Photograph of overhead view of First Avenue South and Spokane Street, marked as Exhibit 10 to the deposition of Ron Ready
79	2 page drawing of rack system, marked as Exhibit 11 to the deposition of Ron Ready
80	Photograph of engine compartment, marked as Exhibit 12 to the deposition of Ron Ready
81	Ford Motor Company Recall notice dated 7/7/04, marked as Exhibit 13 to the deposition of Ron Ready
83	Pin-out diagram of the 2004 P131/137 diesel module bates stamped VIS 00092, marked as Exhibit 3 to the deposition of Thomas Brefeld
84	Fuse and Wiring Design Transmittal bates stamped VIS 00093-00095, marked as Exhibit 5 to the deposition of Thomas Brefeld
85	Pin-out Schematic bates stamped VIS 00006-00007, marked as Exhibit 6 to the deposition of Thomas Brefeld
90	Email exchange between John Colvard and Betty Wines dated between 6/15/09 and 7/13/09 and bates stamped SCO 002047-002048, marked as Exhibit 3 to the deposition of Betty Wines
91	Scottsdale Insurance Company Property Claim Development Report, bates stamped SCO 004247-0004249, marked as Exhibit 6 to the deposition of Betty Wines
92	Seattle Fire Department photograph log and thumbnail photogrpahs, marked as exh. 8 & 9 to Ron Ready deposition.
94	Seven page Incident Report, marked as Exhibit 4 to the deposition of Ron Ready

96	Noel Putaansuu photographs for MDE Project 17713 as listed on the Evidence List included in Noel Putaansuu's report dated 1/11/11
97	Doug Barovsky photographs for MDE Project 17713 as listed on the Evidence List included in Noel Putaansuu's report dated 1/11/11
98	Michael Fitz photographs for MDE Project 17713 as listed on the Evidence List included in Noel Putaansuu's report dated 1/11/11
99	Michael Schoenecker photographs for MDE Project 17713 as listed on the Evidence List included in Noel Putaansuu's report dated 1/11/11
100	Diagrams used in report as listed on the Evidence List included in Noel Putaansuu's report dated 1/11/11
101	All sketches and figures as listed in Noel Putaansuu's report dated 1/11/11
102	All sketches and figures as listed in Douglas Barovsky's report dated 1/11/11
103	All sketches and figures listed in Cam Cope report dated 1/11/11
112	Conduit, 1" EMT with J-Box as listed as Exhibit 1 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
113	Contact, box and conduits with circuits as listed as Exhibit 2 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
114	J-Box, receptacle box, with three conduits and circuits as listed as Exhibit 3 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
115	Ceiling mount gas unit heater as listed as Exhibit 4 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
116	Oil filled heater as listed as Exhibit 5 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
117	Switch box as listed as Exhibit 6 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
118	Flex conduit segments as listed as Exhibit 7 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
119	Two J-boxes, one duplex receptacle box and one switch box as listed as Exhibit 8 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
120	8' florescent light fixture as listed as Exhibit 9 on the Evidence List included in Noel

	Put aansuu's report dated 1/11/11
121	Conduit elbow as listed as Exhibit 10 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
122	Circuit breaker sub-panel as listed as Exhibit 11 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
123	Circuit breaker panel with conduits as listed as Exhibit 12 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
124	Circuit breaker panel as listed as Exhibit 13 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
125	Electrical service mast head with conductors as listed as Exhibit 14 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
126	Melted conductor as listed as Exhibit 15 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
127	Sub-panel/electrical box as listed as Exhibit 16 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
128	Circuit breakers as listed as Exhibit 17 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
129	Door bell transformer as listed as Exhibit 18 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
130	Conduit 1' EMT with J box as listed as Exhibit 19 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
131	Cover for circuit breaker panel for item -013 as listed as Exhibit 20 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
132	Warehouse gas unit heater as listed as Exhibit 21 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
133	Large electrical service panels as listed as Exhibit 22 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
134	Conduit, 1" EMT with elbow box and conductors as listed as Exhibit 23 on the Evidence List included in Noel Put aansuu's report dated 1/11/11
135	Side cover for unit heater item – 021 as listed as Exhibit 24 on the Evidence List included in Noel Put aansuu's report dated 1/11/11

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2	136	Cover for electrical cabinet item -022 as listed as Exhibit 25 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
3	137	Melted aluminum conductor as listed as Exhibit 26 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
4	138	Electrical box cover as listed as Exhibit 27 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
5	139	Flexcon as listed as Exhibit 28 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
6	140	Service Cable as listed as Exhibit 29 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
7	141	½" EMT with J-Box and circuits as listed as Exhibit 30 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
8	142	½" EMT with three J-Boxes and circuits as listed as Exhibit 31 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
9	143	Copper strands near right rear of Ford truck by column base as listed as Exhibit 32 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
10	144	Aluminium conductor spliced to copper conductor as listed as Exhibit 33 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
11	145	Copper conductor with red tape as listed as Exhibit 34 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
12	146	Copper conductor with no marking as listed as Exhibit 35 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
13	147	Pallet racking, two upright frames, and step beams as listed as Exhibit 36 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
14	148	Heat distorted step beam labeled WE1 as listed as Exhibit 36A on the Evidence List included in Noel Putaansuu's report dated 1/11/11
15	149	Bag containing electrical conductors found on ground under engine bay at scene as listed as Exhibit 37 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
16	150	Bag with conductor found on steering turn buckle on drag link at copart exam as listed as Exhibit 38 on the Evidence List included in Noel Putaansuu's report dated 1/11/11

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2	151	Hydraulic lift pump motor cable removed at copart exam as listed as Exhibit 39 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
3	152	Miscellaneous conductors and debris found on ground at copart exam as listed as Exhibit 40 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
4	153	PCM and battery plates from truck as listed as Exhibit 41 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
5	154	Stranded copper conductor section from truck as listed as Exhibit 42 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
6	155	Harness conductors from truck as listed as Exhibit 43 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
7	156	Battery plate remains from truck as listed as Exhibit 44 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
8	157	Large batter plate remains from truck as listed as Exhibit 45 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
9	158	Melted aluminum fragment sifted from debris pile as listed as Exhibit 46 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
10	159	Debris from tarp wrapped under truck as listed as Exhibit 47 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
11	160	Bracket as listed as Exhibit 48 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
12	161	Aluminum found under F550 as listed as Exhibit 49 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
13	162	Debris swept from under left from wheel region as listed as Exhibit 50 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
14	163	Remains of component sifted from debris as listed as Exhibit 51 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
15	164	Debris from under engine as listed as Exhibit 52 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
16	165	Exemplar Ford PCM as listed as Exhibit E01 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
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166	Pallett as listed as Exhibit P01 on the Evidence List included in Noel Putaansuu's report dated 1/11/11
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Defendant's Exhibits

501	Factory invoice for subject vehicle [FORD 56]
502	2005 F-250,350,450,550 Owner Guide [FORD 106-417]
512	Work Truck Sales Inc. Vehicle sales documents for subject vehicle [wts 4-17]
515	Horizon Truck Ctr repair recs [horizon 4-37]
519	1/13/08 MDE photos from michael schoenecker site visit
520	1/3/09 MDE photos of site visit
521	1/7/09 MDE photos #1
522	1/7/09 MDE photos #2
523	1/7/09 MDE photos #3
524	1/13/09 Fitz/MDE scene photos
525	1/15/09 Barovsky/MDE photos-utility power
526	2/5/09 Barovsky/MDE site inspection photos
527	2/6/09 MDE photos-f550 removal
528	3/23/09 MDE photos
529	3/30/09 MDE photos-mvs coparts
530	6/8/09 MDE photos-2nd inspection
531	10/11/10 MDE photos
532	10/13/10 MDE evidence photos #1
533	10/13/10 MDE evidence photos #2
534	2/4/11 MDE Copart exam
535	2/4/11 MDE site exam
536	3/4/11 MDE photos of exemplar 2008 f550 lift

537	Mde photos of exemplar 2004 f250 diesel
538	Mde photos of exemplar 2005 f350
540	Cam Cope vehicle fire investigation check list [cope dep ex 6]
542	Jeff Colwell 2/4/11 inspection photos
552	Replacement pricing information obtained by rob powers, produced by plaintiff as "Rob Powers file materials" [doc001(6) – doc001-22(5)]

(a) Authenticity stipulated, admissibility disputed:

Plaintiff's Exhibits

1	Report prepared by Douglas Barovsky dated January 11, 2001, marked as Exhibit 1 to the deposition of Douglas Barovsky
2	Handwritten notes by Douglas Barovksy regarding 2/5/09 site visit, marked as Exhibit 3 to the deposition of Douglas Barovksy
8	Handwritten notes entitled, "Documented/Photographed CB off CT Enclosure" dated 10/13/10 by Douglas Barovksy, marked as Exhibit 9 to the deposition of Douglas Barovksy
9	Report by John Colvard to Betty Wines dated 1/19/09 and bates stamped SCO 002417-002425, marked as Exhibit 2 to the deposition of John Colvard
12	Report by John Colvard to Betty Wines dated 3/16/09 and bates stamped SCO 003353-003355, marked as Exhibit 5 to the deposition of John Colvard
14	Report by John Colvard to Betty Wines dated 8/11/09 and bates stamped SCO 003584-003588, marked as Exhibit 7 to the deposition of John Colvard
19	Reopen Report by John Colvard to Betty Wines dated 6/16/10 and bates stamped SCO 003022-003023, marked as Exhibit 12 to the deposition of John Colvard
20	Status Report by John Colvard to Betty Wines dated 12/21/10 and bates stamped SCO 003786-003789, marked as Exhibit 13 to the deposition of John Colvard

23	Emails exchanged between Mark Uchimura and John Colvard dated 3/11/09 and bates stamped SCO 05000282, marked as Exhibit 16 to the deposition of John Colvard
32	Auto Fire & Safety Consultants Rebuttal Report Relative to the matter of Case No. 10-CV-00373-MJP, dated 2/9/11, marked as Exhibit 10 to the deposition of Jeff Colwell, Ph.D.
33	Letter from Ralph Newell to Allison Miller dated 1/7/11, marked as Exhibit 11 to the deposition of Jeff Colwell, Ph.D.
36	Seattle Fire Department Fire Investigator's Scene Report dated 1/7/09, marked as Exhibit 5 to the deposition of Ron Ready
38	Selected Cam Cope Photographs, information and photographs regarding Power Train Control Module, engine compartment diagrams and vehicle wiring diagrams, and Ford recall information and claims summary (from Exhibit 2 to the deposition of Cam Cope
40	Auto Fire & Safety Consultants' Report by Cam Cope dated 1/11/11, marked as Exhibit 9 to the deposition of Cam Cope
43	Letter from Ray S. Weber to Mike Goodin dated 2/16/11, marked as Exhibit 2 to the deposition of Mark Hoffman
44	List of Non-litigated Claims produced by Ford, marked as Exhibit 3 to the deposition of Mark Hoffman
45	List of Lawsuits produced by Ford, marked as Exhibit 4 to the deposition of Mark Hoffman
46	CQIS Detail Report produced by Ford, marked as Exhibit 5 to the deposition of Mark Hoffman
47	Technical Service Bulletins produced by Ford, marked as Exhibit 6 to the deposition of Mark Hoffman
49	Letter from Michael Goodin to Safeco Insurance Company, Ford Motor Company,

	Horizon Ford, Work Truck Sales, and Duke Truck Repair dated 1/19/09 and bates stamped FORD000014-000015, marked as Exhibit 9 to the deposition of Mark Hoffman
50	Letter from Michael Goodin to Safeco Insurance Company, Ford Motor Company, Horizon Ford, Work Truck Sales, and Duke Truck Repair dated 1/23/09 and bates stamped FORD000016-000021, marked as Exhibit 10 to the deposition of Mark Hoffman
51	Letter from Michael Goodin to Safeco Insurance Company, Ford Motor Company, Horizon Ford, Work Truck Sales, and Duke Truck Repair dated 3/3/09 and bates stamped FORD000022-000023, marked as Exhibit 11 to the deposition of Mark Hoffman
52	Master Owner Relations System III Report dated 2/14/11, marked as Exhibit 12 to the deposition of Mark Hoffman
53	CQIS Detail Report dated 2/14/11, marked as Exhibit 13 to the deposition of Mark Hoffman
54	Master Owner Relations System III Report dated 2/14/11, marked as Exhibit 14 to the deposition of Mark Hoffman
55	Email exchange between Robert Powers and John Colvard 7/29/09 through 9/18/09 and bates stamped SCO 002147-002151, marked as Exhibit 17 to the deposition of Robert Powers
58	Submission Business Property Summary email exchange between Betty Wines, John Colvard and Robert Powers dated 7/29/09 and 10/15/09 and bates stamped SCO 003055-003965, marked as Exhibit 20 to the deposition of Robert Powers
59	Appraisal Group of the Northwest Summary Appraisal of 2 Warehouses dated 2/17/09 and bates stamped SCO 003398-003467, marked as Exhibit 21 to the deposition of James Price
62	Exhibit 1 of Roberto Desimone's deposition

63	Report by Noel Puttansuu dated 1/11/11 with attached CV and evidence list, marked as Exhibit 1 to the deposition of Noel Putaansuu
68	Letter from Ralph Newell to Allison Miller dated 1/7/11, marked as Exhibit 2 to the deposition of Ralph Newell
73	Vehicle and warranty information included in Ex. 12 to Newell deposition (Tab 3 of Ex. binder)
74	Color photocopies of 2 photographs of a steel, hexagonal part, marked as Exhibit 13 to the deposition of Ralph Newell
76	One page handwritten diagram depicting interior layout of warehouse site, marked as Exhibit 3 to the deposition of Ron Ready
82	Emails exchanged between David Tsang and Bina Hossein dated 2/21/08 and bates stamped VIS 00138, marked as Exhibit 1 to the deposition of Thomas Brefeld
83	Report by Timothy Tribe, marked as Exhibit 8 to the deposition of Timothy Tribe
84	Adjusters International Partial Claim Submission, Business Property Summary, marked as Exhibit 9 to the deposition of Timothy Tribe
85	Adjusters International Personal Property Worksheet, marked as Exhibit 10 to the deposition of Timothy Tribe
86	Scottsdale Insurance Policy with PSM.
87	Report by Timothy Tribe, marked as Exhibit 8 to the deposition of Timothy Tribe
88	Adjusters International Partial Claim Submission, Business Property Summary, marked as Exhibit 9 to the deposition of Timothy Tribe
89	Adjusters International Personal Property Worksheet, marked as Exhibit 10 to the deposition of Timothy Tribe
93	Larger copies of Seattle Fire Department photographs, marked as exh. 8 & 9 to Ron Ready deposition.
95	One page Seattle Fire Department Fire Investigator's Report, marked as exh. 9 to

	Ready deposition
104	All Diagrams, sketches, and spreadsheets listed in Tim Tribe's report dated 1/11/11
105	Noel Putaansuu overlay of smoke plume in warehouse
106	Vehicle Recall information contained in file of Jeff Colwell, Ph.d
107	Photos and information regarding fires in Ford exemplar vehicles relating to PCM fires.
108	Photos of exemplar vehicles involved in engine compartment fires, taken by Cam Cope, and included in his deposition binder.
109	All photographs, diagrams, and notes contained in Cope deposition Exhibit 2.
110	All photos of exemplar vehicle involved in engine compartment fire taken by Mike Schoenecker of MDE.
111	All documents related to Ford Motor Company recalls included in Cope deposition Exhibit 2.
167	Exemplar PCM in Cam Cope's file

Defendant's Exhibits

503	NAE-CAPE-PCSE 2004 MY P131/U137 Diesel Application Requirements Document (ARD) [VIS 1-5]
504	Visteon Wiring Diagram No. VS-3C3U-3458-AG [VIS 6]
505	Visteon Wiring Diagram VS-3C3U-3458-AG [VIS 7]
506	Visteon Wiring Diagram VS-3C3U-3458-AG [VIS 8-91]
507	2004 P131/U137 Diesel DPU-2xx "Job 1" PCM Pinout [VIS 92]
508	Ford Fuse Protection Wiring Diagram [VIS 93-95]
509	12/8/00 letter from Visteon to Stephanie Howie with attachments [VIS 96-137]
510	2/21/03 e-mail from David Tsang to Hossein Bina [VIS 138-139]

511	Visteon Design Verification Plan and Report [VIS 140-146]
513	Scott LL-600 Drop Hinge Hoist Installation and Operation Specifications [WTS 18-32]
514	Ford Claim Detail Reports [FORD 470-487]
516	Plaintiff Scottsdale Insurance Company's 11/08/10 Responses to Defendant Ford's First Set of Interrogatories
517	Plaintiff Scottsdale Insurance Company's 3/28/11 Supplemental Responses to Defendant Ford's First Set of Interrogatories
518	Barovsky 3/20/09 Diagrams & Notes [Barovsky Dep Ex 2]
539	Cam Cope Diagrams & Notes [Cope Dep Ex 5]
541	Ralph Newell Diagrams & Notes [Newell Dep Ex 10]
543	Jeff Colwell Exemplar Powertrain Control Module Photographs
544	Jeff Colwell Exemplar Vehicle Inspection Photographs
546	Jeff Colwell 2/5/09 Diagram & Notes [Colwell Dep Ex 13]
549	Pacific Sheet Metal 12/10/08 Commercial Insurance Application (from Scottsdale Underwriter's file)
550	Pacific Sheet Metal Statement of Values (from Scottsdale Underwriter's file)
551	12/15/08 E-mail exchange between S. Bersch (Swett & Crawford) and M. Engstrom (Scottsdale), produced as Scottsdale Underwriter's File, pgs. 3-6
553	08/28/09 E-mail from Rob Powers to John Colvard, produced by Plaintiff as "Rob Powers File Materials" [DOC001-21(5)]
554	08/21/09 E-mail from Rob Powers to John Colvard, produced by Plaintiff as "Rob Powers File Materials" [DOC001-22(5)]
555	Slides 8-24 from Colwell Supplemental Report Appendix C (offered for illustrative purposes)
556	Figures 1-4 from Colwell Supplemental Report

557	Figures 7-12 from Colwell Supplemental Report (offered for illustrative purposes)
558	Engineering Specification details for Part Number VE3M8U-12A650-BA and bates stamped VIS00190, marked as Exhibit 2 to the deposition of Thomas Brefeld
559	Typical Test Configuration Figure 3.1.1 for Part Number VE3M8U-12A650-BA bates stamped VIS 00196-00197, marked as Exhibit 4 to the deposition of Thomas Brefeld
560	Failure Analysis portion of Engineering Specifications bates stamped VIS 00311-00315, marked as Exhibit 7 to the deposition of Thomas Brefeld

(a) Authenticity and admissibility disputed:

Defendant's Exhibits

545	Example of Propagating Circuit Board Fault [Colwell Dep Ex 8]
547	US-Reports, Inc. 1/7/09 Underwriting Report regarding Pacific Sheet Metal Policy No. CFS0199051 [Price Dep Ex No 22]
548	AMEC 3/5/09 Good Faith Asbestos Survey and Lead TCLP Sampling for the Pacific Sheet Metal building [Price Dep Ex No 24]

Ford reserves the right to use any exhibit identified by Plaintiff. If Scottsdale withdraws any exhibit, Ford reserves the right to add the exhibit to Ford's exhibit list. Scottsdale reserves the right to use any exhibit identified by Ford. If Ford withdraws any exhibit, Scottsdale reserves the right to add the exhibit to Scottsdale's exhibit list.

X. ACTIONS BY THE COURT

(a) This case is scheduled for a trial before a jury beginning on July 6, 2011 at 9:00 a.m. and running through July 22, 2011.

(b) Motions *in limine* were filed on June 13, 2011.

(c) Trial briefs shall be submitted to the Court by June 29, 2011.

(d) Jury instructions requested by either party shall be submitted to the Court on or before June 29, 2011. Suggested questions of either party to be asked of the jury by the Court on voir dire shall be submitted to the Court on or before June 29, 2011.

(e) The Court has issued the following rulings in this case:

i. An Order denying Ford's motion for partial summary judgment on the issue of whether Scottsdale's measure of damages is replacement cost basis.

ii. An Order allowing PSM to intervene in the lawsuit, but ruling that the trial related to its damages would be bifurcated.

This Order has been approved by the parties as evidenced by the signatures of their counsel. This Order shall control the subsequent course of the action unless modified by a subsequent order. This Order shall not be amended except by order of the Court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this _____ day of June 2011.

The Honorable Marsha J. Pechman

FORM APPROVED:

EVEZICH LAW OFFICES, P.L.L.C.
Attorneys for Scottsdale Insurance Company

By: /s/ Craig Evezich, telephone authority
Craig Evezich, WSBA No. 20957
craig@evezich.com

CLAUSEN MILLER, P.C.
Attorneys for Scottsdale Insurance Company

By: /s/ Michael W. Goodin, e-mail authority
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mgoodin@clausen.com

JOINT PROPOSED PRETRIAL ORDER
(No. 2:10-cv-00373-MJP) - 29

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7
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9 HECKER WAKEFIELD & FEILBERG, P.S.
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28 JOINT PROPOSED PRETRIAL ORDER
(No. 2:10-cv-00373-MJP) - 30

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Craig Evezich, craig@evezich.com

G. Brent Sims, bsims@clausen.com

Michael W. Goodin, mgoodin@clausen.com

Jordan M Hecker, jordanh@heckerwakefield.com, lesliep@heckerwakefield.com

Joshua Brittingham, jbrittingham@heckerwakefield.com

I further certify that I mailed a true and correct copy of the foregoing to the following non-CM/ECF participant:

N/A

DATED this 22nd day of June 2011.

/s/ Teresa A. Caceres

Teresa A. Caceres, Legal Assistant